

Docket No.: NHL-KEH-26A
Serial No.: 10/789,927
Customer No.: 27877

REMARKS

The Office Action dated June 3, 2005, has been reviewed in detail and the application has been amended in the sincere effort to place the same in condition for allowance. Reconsideration of the application and allowance in its amended form are requested based on the following remarks.

Applicant retains the right to pursue broader claims under 35 U.S.C. §120.

Applicant has provided a unique solution with respect to problems regarding CUTTING INSERT AND USE THEREOF, AND A CUTTING INSERT ESPECIALLY FOR TURNING ALUMINUM. Applicant's solution is claimed in a manner that satisfies the requirements of 35 U.S.C. §103.

Telephonic Interview:

The undersigned would like to sincerely thank Examiner Boyer Ashley and Examiner Sara Addisu for the courtesies extended during a telephonic interview between the Examiners and the undersigned on August 30, 2005. During the telephonic interview, independent Claims 1 and 17 were primarily discussed. At that time distinctions of the

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present invention were pointed out by the undersigned as to why the present invention as claimed distinguished over the applied prior art.

An official agreement was not reached between the Examiners and the undersigned as to the allowability of Claims 1 and 17. However, it was agreed that Claims 1 and 17 distinguished over the applied prior art, and that the Examiners would conduct a further search of the prior art in order to make a determination on the patentability of the claims. The specific reasons why the claims distinguish over the applied prior art is discussed below with respect to the rejections of the claims.

The telephonic interview is further summarized below in the section entitled "Recordation of the Substance of the Telephonic Interview."

Rejection of Claims 1-13, 17, and 19-22 Under 35 U.S.C. §103:

Claims 1-13, 17, and 19-22 were rejected under 35 U.S.C. §103 as being unpatentable over primarily U.S. Patent 4,632,606 to Lagerberg in view of U.S. Patent 6,379,087 to Alexander, IV. These two references were applied against independent Claims 1 and 17, as set forth on pages 3 and 4 of the Office Action. Specifically, the

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Examiner stated that Lagerberg shows a cutting insert 13 that has a hard material wafer 24 that is preferably made of hard metal, ceramics, or diamond. However, Lagerberg, as stated by the Examiner, does not teach or suggest what material is to be used for the cutting insert body 23. Consequently, the Examiner cited Alexander, IV, column 1, lines 45-52, which generally discloses that cutting inserts for metalworking can be made of a wide variety of materials, such as cemented carbides, tool steel, and ceramics. The Examiner stated that it would have been obvious to modify the cutting insert of Lagerberg to make the cutting insert body out of cemented carbide as taught by Alexander, IV.

In the interview, the undersigned argued that the combination of these two references is improper as it does not result in the present invention as claimed, and there is no suggestion to combine these references. Specifically, Alexander, IV does not teach a cutting insert with a base body and a cutting body, but rather teaches a unitary cutting insert made of a single material. Alexander, IV therefore does not teach or suggest using cemented carbide as an insert body in a cutting insert having an insert body and a cutting wafer as taught by

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Lagerberg. Further, it is respectfully submitted that the discussion of cemented carbide for use in cutting inserts in Alexander, IV is simply a general discussion of known materials that can be used to make cutting inserts, and therefore does not constitute a specific teaching or suggestion to use cemented carbide in particular to make a base body or any other component of a cutting insert. Rather, it is respectfully submitted that the only motivation to combine the applied references is the present disclosure itself, and such hindsight analysis of the available art is considered improper.

In the Interview Summary dated August 30, 2005, the Examiners stated the following:

"Applicant asserted that Alexander (U.S. Patent No. 6,379,087) does not specifically teach the insert body being made of a cemented carbide, while the cutting body is made of a different material (ceramic). Examiner asserted that it appears Applicant's interpretation is correct. However, Examiner would like to take the opportunity to further reconsider the applied prior art."

It is therefore believed that Claims 1 and 17 distinguish over the applied prior art to Lagerberg and Alexander, IV.

In addition, Lagerberg and Alexander, IV were also applied against Claims 2-13 and 19-22 in combination with several other

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secondary references, as set forth on pages 4 to 7 of the Office Action. Since all of the rejections are based on the combination of Lagerberg and Alexander, IV, it is respectfully submitted that all of the rejections stand or fall on this combination. Accordingly, since it has been agreed in the interview that this combination does not anticipate nor render obvious the invention as claimed, it is respectfully submitted that all of the other subsequent combinations set forth in the Office Action fail, and the claims are allowable over these references.

In view of the above, it is respectfully submitted that Claims 1, 17, and 19, as well as the claims dependent therefrom, distinguish over and are not anticipated or rendered obvious by the applied prior art, either taken singly or in any reasonable combination thereof. Reconsideration and withdrawal of the present rejection is respectfully requested.

Rejection of Claim 18 Under 35 U.S.C. §112, Second Paragraph:

Claim 18 was rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

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Specifically, the Examiner rejected Claim 18 because the claim "recites the broad recitation '< 10 degrees' the claim also recites '7 +/-2 degrees' which is the narrower statement of the range/limitation."

It is respectfully submitted that Claim 18 has been drafted in a manner that is both clear and acceptable in accordance with U.S. style and practice. To further explain, Claim 18 recites "said cutting insert defines a clearance angle of one of (A) and (B): (A) < 10°; and (B) $7 \pm 2^\circ$." Claim 18 therefore sets forth two options for the range of the clearance angle, which range can be only one of the options. It is therefore respectfully submitted that although Claim 18 does indeed recite both a broad range and a narrower range, these are exclusive options that do not render the claim indefinite as to the scope thereof, and thus the claim appears to be in compliance with the requirements of 35 U.S.C. §112, second paragraph.

In view of the above, reconsideration and withdrawal of the present rejection is respectfully requested.

Recordation of the Substance of the Telephonic Interview:

In order to render this Amendment complete, the following is a recordation of the substance of the telephonic interview conducted

with the Examiners on August 30, 2005:

- 1) No exhibits were shown, nor were any demonstrations conducted.
- 2) Primarily, independent Claims 1 and 17 were discussed.
- 3) Primarily, the prior art discussed were U.S. Patents 4,632,606 to Lagerberg and 6,379,087 to Alexander.
- 4) Generally, Applicant's representative submitted, inter alia, that the prior art discussed did not teach nor suggest a cutting insert comprising a base body comprising cemented carbide and at least one cutting body comprising ceramic material.
- 5) Generally no other pertinent matters were discussed.
- 6) The general outcome of the interview was an agreement between the Examiners and the Applicant's representative that the claims distinguish over the applied prior art and a further search of the prior art therefore would be conducted.

Art Made of Record:

The prior art made of record and not applied has been carefully reviewed, and it is submitted that it does not, either taken singly or in any reasonable combination with the other prior art of record,

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defeat the patentability of the present invention or render the present invention obvious. Further, Applicant is in agreement with the Examiner that the prior art made of record and not applied does not appear to be material to the patentability of the claims currently pending in this application.

In view of the above, it is respectfully submitted that this application is in condition for allowance, and early action towards that end is respectfully requested.

Leave to Delay Treatment of Formal Objections Until Allowable

Subject Matter is Indicated:

In accordance with 37 C.F.R. §1.111, it is hereby respectfully requested that any objections or requirements not fully treated and set forth in the outstanding Office action that relate to form and are not necessary to further consideration of the now pending claims, be held in abeyance until allowable subject matter is indicated.

Summary and Conclusion:

It is submitted that Applicant has provided a new and unique CUTTING INSERT AND USE THEREOF, AND A CUTTING INSERT ESPECIALLY FOR TURNING ALUMINUM. It is submitted that the

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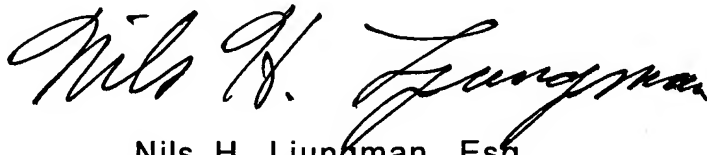
claims are fully distinguishable from the prior art. Therefore, it is requested that a Notice of Allowance be issued at an early date.

If mailed, I, the person signing this certification below, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date indicated in the certification of mailing on the transmittal letter sent herewith, or if facsimile transmitted, I, the person signing this certification below, hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office on the date indicated in the

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Respectfully submitted,

A handwritten signature in cursive script, reading "Nils H. Ljungman".

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